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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,772	04/04/2001	George J. Chanos	CHANOS.001A	3658

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EXAMINER

JANVIER, JEAN D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/825,772

Applicant(s)

CHANOS, GEORGE J.

Examiner

Jean Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-45 and 55-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-45 and 55-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### **Detailed Action**

### **Specification**

The title of the invention is not descriptive so as to help one having ordinary skill in the art understand the nature of the subject matter. A new title is required that is clearly indicative of the invention to which the claims are directed.

### **Status of the claims**

Claims 1-58 were originally presented in the Application and claims 30-45 and 55-58 are elected, without traverse, for prosecution on the merits after a restriction requirement. All other claims are being withdrawn from further consideration. Applicant is herein requested to cancel the withdrawn claims in a future correspondence.

### **Claim Objections**

Claims 30, 32, 38, 39 and 41 are objected to because of the following informalities-

Concerning claim 32, "...and "Service" " should apparently be --...**or** "Service"-- following the use of "one of" or " at least one of".

Concerning claim 38, "...and an action by the consumer" should apparently be --,...**or** an action by the consumer ".

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Concerning claim 39, “, and “Special offers” “ should apparently be --, or “Special offers” “.

Concerning claim 41, “, and a message to a consumer computing device” should apparently be --, or a message to a consumer computing device--.

Concerning claim 30, the steps of “organizing consumer information about the product into specific subject areas”, following the step of “receiving a selection of a product by a consumer”, and “receiving a selection of one or more of the subject areas” appear to be confusing or intervening steps necessary for understanding the claim are omitted therefrom. Here, the user or consumer selects one product, not two or three (the user requests information regarding a single product). Thus, the step of organizing the selection or request into a plurality of subject areas is not necessary since there is only one single choice or selection and hence, there is no need to sort out, organize, categorize, classify or segment the received request or selection, which is related to a single product. Having said that, the step of “receiving a selection of one or more of the subject areas” is premature. The user requests information about a single product, the system should have been operable to provide the requested information accordingly.

Appropriate corrections are being required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 30-34 and 37-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirsch, USP 5,978,799A.

**As per claims 30-34 and 37-45, Hirsch discloses a supra-search engine tool, which includes a distributed computer system and automatically structures and organizes information requests (from a user or subscriber). The supra search engine**

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**independently searches, requests and organizes the data from information providers (sources or vendors), including a variety of search engines and web sites to match the tailored requests of the information consumers (users or subscribers).** The retrieved and processed information, in response to a user' s request, is accessible via a web site, browser, fax, email, voicemail, mail, software and other communication means.

According to one embodiment, information providers include front-end templates into a database in which they can enter and update the relevant information contained on their sites in a structure consistent with providers of similar information. For example, a company providing medical insurance (product or service) might include in its template standard questions that would be asked of such a company, such as rate information and availability of certain types of coverage.

These templates can reside on the supra-search engine web site or they can be delivered via automated e-mail, or distributed application program, e.g. Java Applet, in response to a consumer's information request. **For instance, a customer information selection of a medical insurance product would retrieve a list of relevant** questions and terms that may be different in detail but similar in format to those used for searching sites dealing with automobile parts (user or subscriber requests or selects information). Additionally, users may be asked to input select information specific to the topic related to a request to thereby improve the search results and assist customization **(search the database based specific information from the user**

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**related to search topic).** The data entered into the database this way will be deliverable to the consumer in a compact form or accessible online.

Information providers (vendors) also have the option of including un-categorized data that may be too specific to their site for inclusion in the general templates. The information entered into this database is stored along with other relevant data (such as, e-mail addresses, URLs, etc.), at the search engine site (or web server) and optionally the information provider's (web site) site itself.

**Further, information consumers are provided with front end templates into the database that allow them to select from hierarchical menus and lists of questions and options in order that the system can retrieve only the most relevant information entered by the providers. Information users or consumers have the option of specifying search criteria and questions will be addressed using automated "robot" searches as well as unique automated e-mail inquiries.**

Information (regarding a product or service) retrieved by the system, in response to a user's (subscriber's or information requester's) inquiry or request can be delivered **in "real time" to the consumer or, in the case of automated e-mail queries, the consumer can be notified by a different e-mail in the case of a non-instantaneous search.** This different e-mail can contain a notification of search results ready to be downloaded from a web site or can contain the results of the search itself (push technology).

The present system helps information providers by organizing raw data into a consistent and useful format and helps information consumers by automatically sifting through potentially

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huge amounts of raw data from a plurality of different sources or vendors (providers) and presenting the data in a timely and usable **format** via a delivery mechanism (deliverable or e-mail) to requesting consumers who request (select) or inquire about a product (service or information product).

Moreover, as an example of an important element of gathering and providing information, consider the **category (subject area) "Measurements of Success,"** which would be included in a **general topic pull-down screen** or part of a click-on icon (in response to a user's request or selection). If the user enters (selects) a topic, related to a product or service or information product, for which detailed questions in each category (subject area) are in the database, then those questions would pop up for each standard topic and give the user the option of selecting any or all of the pre-determined questions within each topic group. The user could also add his or her own questions, which would be stored in a database, and if common, potentially added to the given topic or category for future user reference. For example, if the user topic (selection) was a pre-researched topic with detailed database questions, such as "telecommunications," then the general category of if the user topic was a pre-researched topic with detailed database questions, then the category (subject area) of "Measurements of Success" would be customized to that topic (selection) and questions, such as "What is your average network down time per year for the last three years? What is the P grade quality of the service given? How extensive is your answer supervision? Etc." would appear for user selection (receiving a user's or subscriber's selection, providing a category or subject area related to the selection and receiving the user's selection from the category). Additionally, the information consumer may have entered information about himself or herself, which can alter the specific



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questions. The history of inputted information, selected topics, and selected or written questions can be used to build a profile on the information consumer for commercial purposes and to anticipate future information requests.

**(See abstract; figs. 2-4; col. 1: 45 to col. 3: 40; col. 4: 13-38).**

**Claims 30-34, 36-45 and 55-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Yost, USP 6,154,766A.**

As per claims **30-34, 36-45 and 55-58**, Yost discloses a system for automatic generation of personalized output (selection) from an on-line analytical processing system. The system processes at least one scheduled (delivery) service in an on-line analytical processing system and generates personalized output based on personalization information for subscribers of the service (product) to one or more subscriber output devices. The system enables a user to specify global and service-specific personalization information (user's selection information) including specification of multidimensional filters to be applied to services and the specification of trigger criteria to be satisfied before output (final selection) is generated. Personalization information may also be set for each output device for a particular subscriber (receiving a user's selection information, generating an output thereof based on the user's or subscriber's received selection information and delivering the generated output or the final product according to a scheduled delivery-See abstract).

In general, Yost discloses a system and method for automatic broadcasting of personalized reports processed by an on-line analytical processing system reports to subscriber devices, including electronic mail, pagers, personal digital assistants (PDA), facsimiles, printers, telephones, and mobile phones, based on subscriber-specified or administrator-specified criteria (col. 1: 23-29).

The system is configured to broadcast personalized messages to subscribers based on criteria established by the subscribers or a system administrator when those criteria are met or determined to be satisfied by an on-line analytical processing system and enable a user or subscriber to personalize the content of information broadcast from a data warehouse through a subscription interface system that contains references to the contents of the data warehouse.

The system comprises a broadcast module that connects to an on-line analytical processing (OLAP) system comprising a server system for accessing information in one or more data warehouses to perform report analysis. The broadcast module may enable the defining of a service (a "service" as used here should be understood to include one or more reports that are scheduled to be run against one or more data warehouses, relational databases, files in a directory, information from a web or file transfer protocol site, or information provided by a custom module, by a server system). These services may be subscribed to by users (subscribers) or user devices to enable the broadcast module to determine who should receive the results of a service (product).

**The broadcast module enables the creation of a service, the scheduling of the service, subscription of users to the defined services, generation of reports for the service,**

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**formatting of outputs of the service and broadcasting of messages based on the output for the service, among other functions. A subscription** interface module may be provided to enable users to select the services they want to subscribe to, the schedule on which they want to receive the contents of the service, and the personalization criteria to use for personalizing their content. A personalization module may be provided that enables subscribers to personalize the content of an individual service (content selection information) to which the subscribers are subscribing or to all services (or service categories) to which the subscribers subscribe. The broadcast module may be connected to a plurality of user devices including a personal digital assistant (PDA), facsimile, printer, pager, mobile phone, telephone, electronic mail, and web page output.

Further, according to one embodiment, Yost teaches a system for automatically generating output from an on-line analytical processing system based on scheduled services specified by subscribers. The system processes scheduled services in an on-line analytical processing system with each service comprising at least **one query** to be performed by the on-line analytical processing system. The system then automatically forwards output from the services to one or more subscriber output devices specified for that service. Users or subscribers may define new services (service categories), including the schedule (time of delivery) of the services and the type, such as alert services or scheduled services, and may also subscribe to the services provided by the system.

(See abstract; figs 1-4; col. 3: 56 to col. 5: 33; col. 8: 13-59).

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**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

Claims 30, 31, 35, 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Wellner, US Patent 5,640,193.

As per claims 30, 31, 35, 40 and 41, wellner discloses an apparatus and method of enabling a user to control the selection of electronic multimedia services to be provided to the user by one or more servers over a communication medium. The apparatus includes a scanner (a scanning pen) for reading bar codes or marks on an object (product) and for communicating a request signal, having an object code representing the read marks, to a user interface. The interface receives the request signal and transmits to servers (network) a request command including an interface identification code and the object (product) code, which is used to select the desired electronic multimedia service (product) from a category based on the user's request. The servers identify the selected electronic multimedia service (from the category) using the object code related to the user's request. The interface then enables the selected electronic multimedia service transmitted from the servers (network) to be received by the user's receiver or device (receiving a request read from a bar coded object or product from a user, selecting from an established or generated category of multimedia service a service based on the bar coded object received by a server and transmitting by the server a service or a multimedia piece to the user's device- See abstract; figs. 1-4; col. 1: 33-54).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 6,065,047 discloses a system for navigating an online information system. Subscribers provide topic and action preferences to traverse to a customized content area in which related tasks may be completed. Customized content areas are reached after subscribers make three or fewer selections. Paths to customized content areas are similar for all combinations of topics and actions so subscribers learn quickly how to navigate to any area of the information service.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

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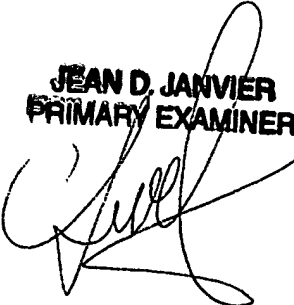
JDJ

Jean D. Janvier

Patent Examiner

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**JEAN D. JANVIER**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'JDJ', is written over the printed name and title.